PRESERVED

App. F. IX-4

1940

Previous References 193 . ( ) Legis

File No. 25-40

Serial Nos. 7

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for March '41.

SUBJECT.

Registration under Money Lenders Act of a person who has lent out before the Act came into force.

WD 0573—GPB—22,500—12-9-69

B.B. Shankarlal

1.4.41

Registration under Moneylenders Act of person who has lent out before the Coming into force of the Act

General and Revenue Secretariat | File No. | of 194 . | [App. F. III-2

Serial No.

From

The Inspector General of Registration

C 512/40-41 dated 27th February 1941

enquiring whether a person who has lent out moneys before the Act but is now trying to recover has to get himself registered under the Act.

The I.G.of Registration wants to be informed whether a person who has lent out moneys before the Moneylenders Act came into operation and who is now trying to recover the amount by fresh deeds should get himself registered.

From the letter of the party concerned sent along wit the P.U.D. it would appear that he was asked to get himself registered and he has replied that he is not lending any moneys now but only recovering past dues.

A moneylender is one who carries on the business of moneylending. Moneylending means the business of advancing loans. And loans means an advance either of money or in kind, at interest made by a moneylender and includes any transaction which in the opinion of the Court is in substance a loan.

A past transaction would not come within these definitions. There is no advance after the coming into force of the Act and so no loan and no moneylending transaction.

The I.G.of Registration will if approved, be informed accordingly.

Though it may be inexpedient for the Government to offer any opinion on a question of fact which is likely to come up before the Courts for decision, nevertheless , as the enquiry is made for the purpose

NOTE—Contn. Sheet.

Past Enquiries - Whether application under the Companies Act is necessary.

File No.	of 194	General and Revenue Secretariat
		Serial No.

of determining whether a prosecution should be launched or not, we may perhaps inform the I.G. that past transactions are not covered by the Act.

Submitted for orders with a draft.

Law Secy

Submit ~~draft~~ letter as Law Secy's returns
MKV 8/3

~~Draft~~ may be ~~not~~ approved
MKV 8/3

6176 8/3

Law Secy

It is only for the purpose of helping the I.G. to determine whether a prosecution can be launched or not that the opinion on the above lines may be given. The Government may ~~should~~ not give their opinion to ~~the~~ any private party on a question which may come up before a court of law. An endorsement may be given to the party to seek the opinion elsewhere and get himself registred, if he so desires.

C. ... FIRST L... MAR 14 1941 No 915-1

I Member

Hm 2 14/3/41. MKV 14/3

Draft

16/3/41

Hm 2 17/3/41 MKV 17/3

TYPING SECTION 21 MAR. 1941 GEN. & REV. SECTT.

~~Draft~~ ~~re Draft~~ ~~letter~~ Submitted with a revised Draft incorporating the remarks of the Secretary
18.3.41. MKV 20/3

Law Secy

Hm 2 21/3/41. Issued MKV 24/3

6414 20/3

Issued P.47881 d 24-3-41 to I.G.

Reg. Letter in Hyderabad.

5023/40

SECY. TO GOVT. LAW DEPT. 3 MAR. 1941 MYSORE

Postal Address:—
POST BOX No. 8.

Govt of — In reply, refer to
No. C. 512/40-41
Encls 1 Copy & 2 letters

GOVERNMENT OF MYSORE.

REGISTRATION DEPARTMENT.

REGISTRAR GENERAL 3 MAR. 1941 PROT.

Tel. Address:—
"INREGIS.," BANGALO

OFFICE OF THE INSPECTOR-GENERAL OF REGISTRATION IN MYSORE.

Dated, Bangalore, the 27th February 1941.

FROM

Rajasevaprasakta
A. V. Ramanathan, Esqr., B.A.,
Inspector-General of Registration in Mysore, Bangalore.

To

H. V. Narayana Rao, Esqr. B.A., LL.B.,
Secretary to Government of His Highness the Maharaja of Mysore,
L a w *Department, Bangalore.*

SIR,

I have the honour to forward, herewith, a copy of letter No.C.R. 101/40-41 dated 23rd February 1941 together with its enclosures received from the District Registrar, Kadur District, requesting to be informed - whether a person who has lent out money before the Money-lenders Act -- came into operation and who is now trying to recover the amount by fresh deeds should get himself registered as a money-lender under the Money-lenders Act and to request the favour of instructions in the matter.

2. The enclosures may kindly be returned when they are no longer required.

I have the honour to be,
Sir,
Your most obedient servant,

27-2-41

Inspector-General of Registration.

27/2.

The I.G.of Registration in Mysore,
Bangalore.

Sir,

With reference to your letter No.C.512/40-41 dated the 27th February 1941 enquiring whether a person who has lent out moneys before the coming into force of the Mysore Moneylenders Act,1939 and who is trying to recover the amounts by way of fresh deeds, should get himself registered under the Act, I am directed to state that the requirement of registration apply only to persons who advance moneys after the Act came into force.

The enclosures to your letter under reply are returned herewith as desired.

I have etc.,

Secretary to Government
Law Department.

B/3

Confidential

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. P. 4780/Legis -- Ques 3 *Dated, Bangalore, 26th March 1941.*

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.

To

The Inspector General of Registration in Mysore,
Bangalore.

Sir,

With reference to your letter No.C.512/40-41, dated the 27th February 1941 enquiring whether a person who has lent out moneys before the coming into force of the Mysore Moneylenders Act, 1939, and who is trying to recover the amounts by way of fresh deeds, should get himself registered under the Act, Iam directed to state that the requirements of registration apply only to persons who advance moneys after the Act came into force.

I am to add that this opinion may be made use of only in considering whether a prosecution should be launched in a particular case or not and may not be taken as committing Government to any particular interpretation of the law which is a matter for determination by courts of law.

The enclosures to your letter under reply are returned herewith as desired.

I have the honour to be,
Sir,
Your most obedient servant,

JKW

for Secretary to Government,
Law Department.

Confdl
No P. 4780/Legs.
Encls 3 dy 24.3.41

To

The Inspector General of Registration
in Mysore.

Sir,

With reference to your letter No.C. 512/40-41, dated the 27th February 1941 enquiring whether a person who has lent out moneys before the coming into force of the Mysore Moneylenders Act, 1939, and who is trying to recover the amounts by way of fresh deeds, should get himself registered under the Act, I am directed to state that the requirements of registration apply only to persons who advance moneys after the Act came into force.

I am to add that this opinion may be made use of only in considering whether a prosecution should be launched in a particular case or not and may not be taken as committing Government to any particular interpretation of the law which is a matter for determination by courts of law.

The enclosures to your letter under reply are returned herewith as desired.

I have etc.,

2/21/3

Secy. to Govt.
Law Dept.